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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,004	11/20/2003	Suzanne Berlin	03292.101180.1	8749
66569 7590 10/14/2009 FITZPATRICK CELLA (AMEX) 1290 Avenue of the Americas NEW YORK, NY 10104-3800			EXAMINER WEISBERGER, RICHARD C	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 10/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,004	Applicant(s) BERLIN ET AL.	
	Examiner Richard C. Weisberger	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 10-14 and 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-8 are directed to an apparatus. To meet the requirements of this statutory class of invention the body of the claims must include structural elements. Here the claims are directed to software elements intended to be used on a computer.

Claims 10-14 and 16-18 are directed to a method. To meet the requirements of this statutory class of invention the claims must include the use of a particular machine. The that the use of a particular machine or transformation must impose a meaningful limit on the claimed scope. Thus, a machine tie-in to a “field of use” limitation would not be sufficient. In addition, the use of a particular machine or transformation must involve more than insufficient “extra-solution” activity. If the machine or transformation are present in a field of use limitation or in a step that is only insignificant “extra-solution” activity, the claim fails the test despite the presence of a machine or transformation in the claim. The claim should be clear as to how the machine implements the process rather than simply stating “a machine implemented process.” Machine limitations should make clear that the tie to a machine in the claimed process imposes a meaningful limitation on the claimed scope. Current guidelines define transformation as an article that is changed to a different state or thing. The Guidelines note that mathematical manipulation of data *per se* has not been deemed a transformation, but that transformation of electronic data has been found when the nature of the data has been changed such that it has a different function or is suitable for different use.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8,10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough U.S. Patent 6070142.

The reference teaches a portal configured to receive, from a user interface, application data associated with an application for a product or service (Figure 3 and 4, cols 3, 11 and 12); a plurality of worker utilities implemented on at least one computer and configured to process a plurality of applications, each application being associated with a corresponding product or service (col 3, lines 5-10); a plurality of handler systems implemented on at least one computer, each handler system being associated with a corresponding product or service, and being configured, by a corresponding client system, to invoke at least one of the plurality of worker utilities to process the application (col 3, lines 5-20); The reference fails to expressly teach a dispatcher configured to receive the application data from the portal and route the application data to a corresponding one of the plurality of handler systems based on the product or service associated with the received application data. It would have been obvious for one skilled in the art at the time to have added this feature to avoid duplication of infrastructure for companies with multiple products and services as motivated by the need to reduce costs. It would have

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been obvious for one skilled in the art at the time to have communicated with a service data validation worker to validate the application data as motivated by the need to avoid errors.

Claims 1-8,10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admission of Prior Art Systems.

The applicant stipulates that prior art investment and general service companies comprise application processing infrastructure include a client which maintains which include separate platforms for each product and service (specification page 2). It would have been obvious for one skilled in the art at the time to have added a plurality of handler systems implemented on at least one computer, each handler system being associated with a corresponding product or service, and being configured, by a corresponding client system, to invoke at least one of the plurality of worker utilities to process the application (col 3, lines 5-20); The reference fails to expressly teach a dispatcher configured to receive the application data from the portal and route the application data to a corresponding one of the plurality of handler systems based on the product or service associated with the received application data. It would have been obvious for one skilled in the art at the time to have added this feature to avoid duplication of infrastructure for companies with multiple products and services as motivated by the need to reduce costs. It would have been obvious for one skilled in the art at the time to have communicated with a service data validation worker to validate the application data as motivated by the need to avoid errors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard C Weisberger
Primary Examiner
Art Unit 3693

/Richard C Weisberger/
Primary Examiner, Art Unit 3693